

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**ALLSTATE INSURANCE COMPANY**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:15cv114-MPM-SAA**

**HILL BROTHERS CONSTRUCTION  
COMPANY INC., ET AL.**

**DEFENDANTS**

**ORDER DENYING MOTION TO STAY DISCOVERY**

Defendant John Robert Scarbrough has moved to stay discovery pending rulings on multiple Motions to Dismiss filed by the parties. Docket # 121. Since the filing of the motion to stay, three of the motions to dismiss have been ruled on. The remaining motions to dismiss concern many of the same issues addressed by the September 15, 2016 Order denying the motions to dismiss. Scarbrough asserts that this case should be stayed simply because of the “sheer number of dispositive motions currently pending before the court, it would be in the best interest of all parties, and of justice, to have discovery stayed so as to avoid any unnecessary expense . . .” Docket 121, p. 3.

Simply asserting that motions to dismiss are pending or have merit is insufficient to stay discovery. Certainly every defendant that files a motion to dismiss believes that there is at least some merit to his motion and would prefer not to have to defend litigation until he receives a ruling on the motion. However, that belief alone is insufficient to halt a case, particularly in this circumstance where the motion to stay was filed less than a month before the deadline for discovery, and at least one of the motions to dismiss had been pending for almost a year. The court declines to delay discovery that might be necessary for plaintiffs to proceed with their

claims simply because parties have filed Rule 12 motions. Therefore, the Motion to Stay Discovery is DENIED.

SO ORDERED, this, the 22<sup>nd</sup> day of September, 2016.

/s/ S. Allan Alexander  
UNITED STATES MAGISTRATE